

Issues Of Legal Regulation Of Open Meetings In Uzbekistan

Yuldoshev Azizjon

Associate professor in Constitutional Law department

Tashkent State University of Law

ORCID: 0000-0002-5821-2714

E-mail: azizjonyuldoshev237@gmail.com

Abstract: This article investigates the organizational and legal framework governing the attendance of individuals and legal entities (information users) and the participation of public control subjects in open collegial meetings of state bodies (hereinafter referred to as "open meetings"). The study revealed that the legislation only regulates the attendance of information users at open meetings of ministerial collegiums and other government bodies, as well as open meetings of certain local executive bodies (khokimiyats). At the same time, the legislation does not take into account the holding of online meetings and contains other shortcomings. A hypothesis was put forward that to eliminate the existing shortcomings, it is necessary to define the concept of "open collegial meeting of a state body," to correctly use the words "attendance" and "participation." The results of studying the norms of national legislation, controversial terms, and the experience of foreign countries confirmed the hypothesis. The author's definition of this concept made it possible to objectively outline the content and types of open meetings of state bodies, regulate the attendance and participation of citizens in them, and develop proposals for holding online open meetings.

Key words: openness, public control, government agency, open meeting, committee, commission, presence, participation

Introduction. Uzbekistan has been implementing systematic reforms to ensure the transparency of state bodies and strengthen public control. Achieving these reform goals requires the effective provision of opportunities for individuals and legal entities to attend open meetings of state bodies and for the broad participation of public control subjects.

Uzbekistan's Law No. O'RQ-369 of May 5, 2014, established the creation of conditions for the attendance of information users, i.e., individuals and legal entities, at open meetings of state bodies [1]. To create the necessary conditions, a model regulation was developed on the procedure for the attendance of information users at open meetings of state authorities and administration (Model Regulation), which has a recommendatory nature [2].

Although clause 3 of the Model Regulation states that all state bodies should, on its basis, establish a procedure for the attendance of information users at open meetings, this recommendation has not been taken into account by most state bodies. This situation was rightly criticized at the plenary session of the Senate of the Oliy Majlis on November 20, 2020, during the consideration of the issue of the implementation by ministries, departments, and local authorities of the Law of the Republic of Uzbekistan "On the Transparency of the Activities of State Authorities and Administration" [3].

Furthermore, the Law of the Republic of Uzbekistan "On Public Control" of April 12, 2018, No. O'RQ-474, granted the right to participate in open meetings of state bodies to public control subjects, namely citizens of the Republic of Uzbekistan, self-governing bodies of citizens, non-governmental non-commercial organizations registered in accordance with the law, and mass media, in the manner prescribed by law [4]. However, to date, there is no information available regarding the establishment of such a procedure in the legislation.

Neither the Senate, the Legislative Chamber, the Cabinet of Ministers, nor the People's Councils, being state bodies, have established procedures for the participation of not only public control subjects but also information users in their meetings. This situation can be explained by the fact that national legislators have misinterpreted the terms "open meeting of a state body," "attendance," and "participation," and that these issues have not been studied in Uzbekistan and foreign experience in this area has not been taken into account.

The limited understanding of open meetings of state bodies in Uzbekistan can also be seen from the content of the Decree of the President of the Republic of Uzbekistan No. PF-6247 of June 16, 2021. Clause 14 of

this Decree stipulates that from December 1, 2021, the meetings of the Legislative Chamber and the Senate of the Oliy Majlis, the Jokargy Kenes of the Republic of Karakalpakstan, and the sessions of the regional, district, and city People's Councils, as well as court hearings on certain cases (except for closed court sessions), shall be broadcast live on television channels and the Internet.

Materials and Methods. Studies dedicated to the organizational and legal foundations of transparency in the activities of state bodies in Uzbekistan [5, pp. 16-19; 6, pp. 120-124], as well as to ensuring transparency in the context of the fight against corruption [7, pp. 27-35; 8, pp. 868-878] or in law enforcement agencies [9, pp. 141-146], have not examined the content of open meetings of state bodies or the issues of ensuring the presence of information users at such meetings. Although the participation of public control subjects in these meetings has been noted [10, pp. 318-319], this issue has not yet been resolved. In this regard, the study of foreign practices and research in this area and the search for solutions to existing problems, taking into account national characteristics, has become an urgent issue.

To determine the content of open meetings of state bodies, a lexical and logical analysis was carried out, and the practice of democratic states was comparatively studied. As a result, it was found that such meetings involve discussions of issues related to the powers of state bodies, and attendance at them means observing these processes, while participation implies the opportunity to ask questions and express one's opinion. Using the inductive method, the issues of online broadcasting of open meetings of representative bodies of state power were studied. The possibilities of broadcasting open meetings of all state bodies on Internet resources and ensuring the participation of citizens in this process using Internet technologies were identified.

Results. As is known, "presence" implies observing, while "participation" means at least the opportunity to ask questions and make suggestions, to express one's opinion. Therefore, one cannot agree with clause 14 of the Model Regulation, which grants information users at open meetings of state bodies the right to address questions to the members of the board [2]. In turn, the fact that in the legislation of some foreign countries "presence" is also understood to mean "participation" may have misled national legislators. An explanation for this situation can be found in the practice of the United States, which was one of the first countries to regulate these issues legally.

Indeed, the U.S. Federal Government in the Sunshine Act [11] grants citizens the right to attend open meetings of government bodies. This right allows citizens to observe the proceedings.

Today, while some state laws [12] allow citizens to address and express their opinions at open meetings, others grant this opportunity at the discretion of the state attorney general [13]. However, in the legislation, this process remains unchanged as "attendance of citizens at open meetings."

Recently, in many countries, there has been a trend towards granting citizens not only the right to attend meetings of parliament and its working bodies [14], but also the opportunity to participate in them. For example, in Canada, citizens can apply to participate in a committee meeting to express their opinion on an issue being considered by the committee [15]. To facilitate citizen input on issues considered by parliament and other government bodies, various advisory bodies have been established within government agencies [16, pp. 487-489].

The expanding rights of those attending open meetings of government bodies in the United States and other foreign countries strengthens public oversight. However, since political rights belong to citizens and national legislation separately stipulates the participation of public control subjects and the attendance of information users at open meetings of state bodies, there is a need to differentiate between them.

Considering that the organizational aspects of "presence" and "participation" are almost identical, it is logical to regulate them on the basis of the existing Model Regulation. This will reduce the number of legal documents and increase the efficiency of regulation. Therefore, it would be appropriate to rename the Model Regulation as "Regulations on the procedure for the attendance and participation of information users and public control subjects in open meetings of state bodies".

Currently, the procedure for the attendance of information users at open meetings of state bodies is a normative legal act. Therefore, in accordance with Article 40 of the Law "On Normative Legal Acts" [17], such a procedure should be published in official sources and, in accordance with Article 13 of the Law "On the openness of the activities of public authorities and administration" [1], should be posted on the websites

of state bodies [1], which, in general, is required to ensure transparency, i.e., to create the necessary conditions for free (information) access.

Although many state bodies have posted regulations on the procedure for the attendance of information users at their open meetings on their websites, these regulations are often placed in different sections of the websites, such as "Open Data" [18], "Information Service" [19], or "Appeals" [20], making them difficult to find. In this regard, it would be advisable to place these regulations in the "Open Meetings" section along with the scheduled dates of meetings, agendas, and related documents.

Many state bodies, including the chambers of Parliament and the Government, do not have established procedures for holding open meetings. Regulations approved by ministries and departments on the procedure for the attendance of information users at open meetings stipulate the procedure for holding open meetings of their boards [18; 19; 20; 21]. The openness of other meetings of these state bodies and the presence of information users at them are not ensured. This situation highlights the need to clarify the concept of "open meetings of state bodies".

An analysis of the content of open meetings of state bodies shows that such meetings should be understood as discussions of issues related to the powers of state bodies, their collegial structures, as well as collegial bodies created by them or in which they participate (public councils, commissions, working groups, etc.), as well as official discussions of issues within the competence of a state body (court hearings, meetings chaired by a governor or other official, etc.).

Given the growing number of Internet users in Uzbekistan, opportunities for their participation in open meetings of state bodies are expanding. Therefore, it is advisable to impose an obligation on not only the chambers of Parliament, local councils, and courts, but also on other state bodies to broadcast open meetings online [22]. In this regard, it is possible to make appropriate amendments to the Decree of the President of the Republic of Uzbekistan No. PF-6247 of June 16, 2021 [23].

Discussions. It is known that even if a judge considers a case individually, a court hearing is held, i.e., the opinions and conclusions of the parties, the defendant, the lawyer, the prosecutor, and other court participants are discussed. The open nature of court hearings, including the possibility of anyone being present, is stipulated by law. In foreign countries, state bodies that do not have a collegial structure (the head of state, the governor, etc.) create various advisory bodies to ensure the participation of citizens in discussing issues within their competence.

In foreign countries, including the United States, the procedure for the attendance of citizens at meetings of parliament [24], executive authorities [25], local government bodies, courts [26], as well as advisory bodies established by state bodies [27], is regulated by separate laws. For example, over 1,000 advisory committees have been established to provide advice and recommendations to the US President or federal agencies [28]. These committees are a convenient tool for ensuring the participation of citizens in the activities of the highest bodies of state power.

Indeed, the creation of advisory committees similar to those in the United States under the heads of state and governments of Uzbekistan and other foreign countries would serve to inform citizens about the issues they are considering and to ensure their participation in resolving them. This is because in foreign countries, the government is considered to be dealing with political issues, and the attendance of citizens at its meetings is not always guaranteed [29, p. 100]. Such a limitation can be justified by the fact that numerous attendees asking various, including inappropriate, questions can negatively affect the activities of a state body and the quality of the decisions it makes.

Similarly, the U.S. Government in the Sunshine Act defines the term "meeting" as "any gathering of a quorum of a body at which federal agency business is conducted or at which federal agency decisions are made". It is worth noting that the attendance of citizens at meetings where only routine or organizational matters are discussed is not required. This is because ensuring the openness of meetings requires additional labor and financial resources from state bodies, hinders the prompt completion of organizational work, and ultimately reduces the efficiency of their activities.

Conclusion. A study of the pressing issues of regulating open meetings of state bodies in Uzbekistan has allowed us to propose the following suggestions and considerations for their resolution:

Firstly, it is advisable to involve public councils, commissions, working groups, and other advisory bodies under such state bodies as governors or other bodies that do not have a collegial structure, taking into

account the experience of foreign countries. The formation of such advisory bodies will not only contribute to the thorough preparation of draft decisions but also ensure the right of all interested parties to be present and participate in their adoption.

Secondly, in order to ensure the effective operation of the highest bodies of state power, it would be appropriate to limit the right of all persons, including public control subjects, to only attend meetings of the chambers of the Oliy Majlis of the Republic of Uzbekistan and the Cabinet of Ministers. Issues submitted to Parliament and the Government are prepared in committees, commissions, working groups, public councils, and other advisory bodies. Therefore, the participation of public control subjects in the meetings of these bodies will be more effective.

Thirdly, it is positive that those present at court hearings are not allowed to address questions to its participants, otherwise, judicial independence and the rule of law will be threatened. In this regard, it is advisable for public control subjects to be content with the right to be present at such meetings.

Fourthly, it is advisable to develop a draft law or a model regulation on the procedure for the attendance of information users and the participation of public control subjects in open meetings of state bodies. The Model Regulation on the procedure for the attendance of information users at open meetings of state authorities and administration can be taken as a basis for developing this normative legal act. Once the Model Regulation is developed, it would be advisable to approve it by a resolution of the chambers of the Oliy Majlis so that the Government and other state bodies can take it into account.

Fifthly, ensuring the participation of all interested parties in open meetings of state bodies is a complex issue. This issue can be practically resolved by providing information users with the opportunity to watch the progress of an open meeting on a video screen in a separate room. For this purpose, it is advisable to introduce the practice of broadcasting all, not just some, plenary sessions of the Legislative Chamber and the Senate over the Internet.

Sixthly, the experience of online broadcasting of open meetings of state bodies has grown. Social networks and Internet resources have created opportunities for citizens not only to attend open meetings but also to participate in them. For example, during the broadcast on the YouTube channel, interested parties have the opportunity to express their opinions, ask questions and make suggestions, and state bodies can provide answers. Taking full advantage of these opportunities will help to ensure the openness of public information and strengthen public control.

References

1. O'zbekiston Respublikasining 2014 yil 5 mayda qabul qilingan «Davlat hokimiyati va boshqaruvi organlari faoliyatining ochiqligi to'g'risida»gi O'RQ-369-sonli Qonuni // <https://lex.uz/docs/2381133> (LAW OF THE REPUBLIC OF UZBEKISTAN On the openness of the activities of public authorities and administration)
2. Axborotdan foydalanuvchilarning davlat hokimiyati va boshqaruvi organlarining ochiq hay'at majlislarida hozir bo'lishi tartibi to'g'risidagi namunaviy nizom. O'zbekiston Respublikasi Axborot texnologiyalari va kommunikatsiyalarini rivojlantirish vazirligi hamda O'zbekiston matbuot va axborot agentligining 2015 yil 25 noyabrdagi 140-mh va 05-son qarori bilan tasdiqlangan // <https://lex.uz/docs/2845984>. (Model regulation on the procedure for the presence of information users at open collegiate meetings of state authorities and management bodies)
3. O'zbekiston Respublikasi Oliy Majlisi Senatining to'qqizinchi yalpi majlisi to'g'risida axborot // <https://uza.uz/uz/posts/ozbekiston-respublikasi-oliy-majlisi-senatining-toqqizinchi-yalpi-majlisi-togrisida-axborot> (Information about the ninth plenary session of the Senate of the Oliy Majlis of the Republic of Uzbekistan).
4. O'zbekiston Respublikasining 2018 yil 12 aprelda qabul qilingan «Jamoatchilik nazorati to'g'risida»gi O'RQ-439-son Qonuni // <https://lex.uz/docs/3679092> (Law of the Republic of Uzbekistan "On Public Control" No. ORQ-439, adopted on April 12, 2018)
5. Rajapov A. Davlat hokimiyati va boshqaruvi organlari faoliyati ochiqligini ta'minlashning tashkiliy-huquqiy asoslarini takomillashtirish masalalari // O'zbekiston qonunchiligi tahlili. – 2017. – №. 3. – S. 16-19.,

6. Safarov T.U. Davlat hokimiyati va boshqaruvi organlari faoliyatini ochiqqligini ta'minlashning huquqiy jihatlari // Yurist axborotnomasi – Vestnik yurista – Lawyer herald. № 3 (2022). – B. 120-124,
7. Tursunov A., Primov F. Ochiqlik va jamoatchilik nazorati–korruptsiyaga qarshi kurashishning muhim vositasi sifatida // Obshchestvo i innovatsii. – 2021. – T. 2. – №. 4. – B. 27-35.
8. Ismailov B.I., Rasulova G.A. Davlat organlari va tashkilotlari faoliyatining ochiqqligi va shaffofligini ta'minlash korruptsiyaga qarshi kurashish tizimini takomillashtirish muhim unsuri sifatida // Academic research in educational sciences. 2022. №NUU Conference 2. – B. 868-878.
9. Xaitbaev O. Sh. Ichki ishlar organlari faoliyatining ochiqqligi–huquqiy davlatning muhim sharti // CARJIS. 2022. №3. – B. 141-146.
10. Юлдошев А.Э. Актуальные вопросы реализации бланкетных норм закона Республики Узбекистан «Об общественном контроле» // Мамлакатимизда инсон ҳуқуқларини таъминлашда давлат органлари фаолияти устидан самарали жамоатчилик назорати механизмини ишлаб чиқиш ва такомиллаштириш / Илмий-амалий конференция материаллари тўплами. – Тошкент: Ўзбекистон Республикаси Миллий гвардияси Ҳарбий-техник институти, 2018. – Б. 318-319.
11. Government in the Sunshine Act ("Sunshine Act") // https://www.gsa.gov/cdnstatic/SunshineAct_R2B-x3-g_0Z5RDZ-i34K-pR.pdf
12. Open Meeting Law Guide. – Massachusetts, 2017. – P. 15 // <https://www.mass.gov/doc/2017-open-meeting-law-guide/download>
13. Open Meetings Act. Section 15.263 // [http://www.legislature.mi.gov/\(S\(ep1z2lrridt5o53i302axhpa\)\)/mileg.aspx?page=getObject&objectName=mcl-15-263](http://www.legislature.mi.gov/(S(ep1z2lrridt5o53i302axhpa))/mileg.aspx?page=getObject&objectName=mcl-15-263).
14. Participate // <https://www.ourcommons.ca/committees/en/participate>
15. REQUEST TO APPEAR BEFORE A COMMITTEE // <https://www.ourcommons.ca/committees/en/participate>
16. Erduran S. Bringing nuance to “the science” in public policy and science understanding // Science & Education, 29, 2020.
17. O'zbekiston Respublikasining 2021 yil 20 aprelda qabul qilingan «Normativ-huquqiy hujjatlar to'g'risida»gi O'RQ-682-sonli Qonunning 28-moddasi // <https://lex.uz/docs/2105724>. (Law of the Republic of Uzbekistan No. ORQ-682 "On Regulatory Legal Acts" adopted on April 20, 2021)
18. Axborotdan foydalanuvchilarning “O‘zarkhiv” agentligi ochiq hay’at majlislarida va arxiv ishi hududiy boshqarmalarining ochiq direksiya yig‘ilishlarida hozir bo‘lishi tartibi to‘g‘risidagi nizom // <http://archive.uz/post/akhborotdan-foydalanuvchilarning-uzarkhiw-agentligi-ochiq-haiat-majlislarida-wa-arkhiw-ishi-hududii-boshqarmalarining-ochiq-direksiya-iighilishlarida-hozir-bulishi-tartibi-tughrisidagi-nizom> (Regulation on the procedure for the presence of information users at the open meetings of the "Ozarkhiv" agency and at the regional offices).
19. “O‘zstandart” agentligining ochiq hay’at majlislarida hozir bo‘lish tartibi to‘g‘risidagi nizom // <https://www.standart.uz/cyrl/page/view?id=169> (Regulation on the procedure the presence at open meetings of "Uzstandart" agency).
20. Axborotdan foydalanuvchilarning adliya organlarining ochiq hay’at majlislarida hozir bo‘lishi tartibi to‘g‘risidagi nizom // <https://old.adliya.uz/uz/press-center/?print=Y> / ("Regulation on the procedure for the presence of users of information at open meetings of judicial bodies).
21. Axborotdan foydalanuvchilarning Favqulodda vaziyatlar vazirligi ochiq hay’at majlislarida hozir bo‘lishi tartibi to‘g‘risidagi nizom // <https://www.fvv.uz/uploads/docs/8bf8df8a31a0a4f8de07cc7825fdbaa2.pdf> (Regulation on the procedure for the presence of information users at open meetings of the Ministry of Emergency Situations).
22. Munavvarova N.Z. O'zbekiston Respublikasi adliya vazirligi va notarial palatasi hamkorligi shaffofligini ta'minlashning huquqiy masalalari // «Yangi O'zbekiston taraqqiyotida tadqiqotlarni

- o'rni va rivojlanish omillari» mavzusidagi Respublika miqyosidagi 15-ilmiy-amaliy konferensiya materiallari (20- yanvar 2025 yil) – T.: Qo'qon sh., 2025. – B. 180-184.
23. O'zbekiston Respublikasi Prezidentining «Davlat organlari va tashkilotlarining faoliyati ochiqqligini ta'minlash, shuningdek, jamoatchilik nazoratini samarali amalga oshirishga doir qo'shimcha chora-tadbirlar to'g'risida» 2021 yil 16 iyundagi PF-6247-sonli Farmoni // <https://lex.uz/docs/5459107>.
24. Access to Congress // <http://www.dmlp.org/legal-guide/access-congress>.
25. Government in the Sunshine Act ("Sunshine Act") // https://www.gsa.gov/cdnstatic/SunshineAct_R2B-x3-g_0Z5RDZ-i34K-pR.pdf
26. State Court Proceedings // <http://www.dmlp.org/legal-guide/state-court-proceedings>.
27. Federal Advisory Committee Act // <https://www.gsa.gov/cdnstatic/FACA-Statute-2013.pdf>
28. Access to Federal Advisory Committee Meetings // www.dmlp.org/legal-guide/access-federal-advisory-committee-meetings
29. The Laws of Transparency in Action: A European Perspective / edited by Dacian C. Dragos, Polonca Kovač, Albert T. Marseille. - Cham, Switzerland: Palgrave Macmillan, 2019.